IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 22935 of 2006(E)

PETITIONER:

LAILA SAIN,
W/O.SAIN.T.VARGHESE, AGED 44 YEARS,
THUNDIYIL HOUSE, AZHIYEDATHCHIRA.P.O.,
THIRUVALLA, PIN-689 113.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:
----

1. THE JOINT REGIONAL TRANSPORT OFFICER,
THIRUVALLA.

2. THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE, THIRUVALLA.

3. THE VILLAGE OFFICER,
KAVUMBHAGAM VILLAGE OFFICE,
THIRUVALLA.

4. M/S.SHRIRAM INVESTMENTS LTD.,
REP. BY ITS MANAGER SUNILKUMAR.V.K.,
36/847, CHITTUR ROAD, ERNAKULAM.

5. NARAYANAN NAIR,
NEDUVILA HOUSE, KARUMUNDANCHERY,
PARAVUR, KOLLAM DISTRICT.

BY ADV. SRI.PHILIP T.VARGHESE --R4
SRI.THOMAS T.VARGHESE
GOVERNMENT PLEADER SMT. D.P.RENU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO: 22935/2006 E

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE AGREEMENT BETWEEN PETITIONERAND R5 DT. 1/11/03.

EXT.P2. COPY OF THE RR NOTICE DT. 28/07/2006 ISSUED U/S. 7 BY R2 THROUGH R3.

EXT.P3. COPY OF THE RR NOTICE DT. 28/7/06 ISSUED U/S. 33 BY R2 THROUGH R3.

[True Copy]

Tga

K.BALAKRISHNAN NAIR, J.

WP(C).No.22935 of 2006-E

Dated this the 25th day of January, 2007.

JUDGMENT

The petitioner was the registered owner of the vehicle No. KL-4F 2929. The said vehicle was transferred under Ext.P1 agreement dated 1-11-2003 to the 5th respondent. Since the said respondent defaulted to pay the amount due to the financier, the 4th respondent herein, the petitioner submits the vehicle was seized by the said respondent. While so, Ext.P3 revenue recovery notice has been served on her claiming tax from 1-4-2004 to 3-6-2006. The period is admittedly after the execution of the agreement. So, the writ petition is filed challenging Ext.P3 and also praying consequential reliefs.

2. The first respondent has filed a counter affidavit stating that the petitioner continues to be the registered owner even after the transfer made on 1-11-2003. It is also submitted that the vehicle is hypothecated to UTI Bank and not to the 4th respondent. The 4th respondent would submit that it has not advanced any loan to the petitioner. She is only a collection agent of the UTI which has financed the loan.

3. As long as the petitioner remains the registered owner, she is also liable to pay arrears of tax. The respondents 1 to 3 shall seize the

vehicle if it is available and sell it to realise the amounts due to the State. The 4th respondent apprehends that the vehicle appears to have been dismantled and it is no longer in existence. If that be so, the first respondent shall enquire into the said submission and shall cancel the Registration Certificate with effect from the date it was found that the vehicle was dismantled, so that the petitioner need not pay tax atleast from that date.

The writ petition is disposed of as above.

(K.BALAKRISHNAN NAIR)
MS JUDGE